

# Calendar No. 1071

91ST CONGRESS }  
2d Session }

SENATE

{ REPORT  
No. 91-1066

JOHN A. AVDEEF

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JULY 30, 1970.—Ordered to be printed

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Mr. BURDICK, from the Committee on the Judiciary, submitted the following

## REPORT

[To accompany H.R. 12887]

The Committee on the Judiciary, to which was referred the bill (H.R. 12887) for the relief of John A. Avdeef, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

### PURPOSE

The purpose of the proposed legislation is to pay John A. Avdeef of Mineral Wells, Tex., \$76.32 in full settlement of his claims against the United States for storage of his household furniture while assigned by the U.S. Army to active duty at Fort Wolters, Tex., and Fort Rucker, Ala., in the period November 1964 to August 1965.

### STATEMENT

In its favorable report on the proposed legislation, the House Judiciary Committee set forth the facts in the case as follows:

The Department of the Army in its report to the committee on the bill stated that it was not opposed to the bill.

On November 19, 1964, SP5 John A. Avdeef was a warrant officer candidate. He resided at Long Beach, Calif., and as a member of the Ready Reserve was ordered to active duty for training. He was ordered to report to the U.S. Army Helicopter School at Fort Wolters, Mineral Wells, Tex., no later than November 27, 1964, for a 44-day period of active duty for training. The purpose of the training was preflight war-

rant officer indoctrination. On December 15, 1964, his orders were amended to show that, as of November 27, 1964, he was further attached to the U.S. Army Aviation School at Fort Rucker, Ala., for additional training in Warrant Officer Rotary Wing Aviation courses. The period of active duty for training was changed from 44 to 296 days. The purpose of his active duty for training, as stated in his amended orders, was for preflight warrant officer indoctrination.

The Commandant of the U.S. Army Primary Helicopter School at Fort Wolters was authorized to determine the date of departure from Fort Wolters to Fort Rucker and to issue the necessary amendatory orders.

Neither the original nor the amended orders specifically authorized storage or transportation of household goods. During December 1964, Mr. Avdeef visited the transportation office at Fort MacArthur, San Pedro, Calif., and inquired about the storage, at Government expense, of his household effects then in Long Beach. This inquiry was prompted by his desire to take his family with him to Fort Rucker. Mr. Avdeef was advised that he was authorized nontemporary storage of his household goods for the duration of his active duty for training.

The committee feels that this a basic fact in this case for Mr. Avdeef relied on this advice and requested nontemporary storage of his household goods. They were stored, at Government expense, with the Beverly Hills Transfer & Storage Co., at Fullerton, Calif. On June 29, 1965, Mr. Avdeef was advised by the Fort McArthur Transportation Officer that storage, at Government expense, of his household goods was not authorized because he was ordered "to active duty for training for less than 1 year." He was further advised that "we must collect from you all charges paid (\$112.88 which pays the storage charges to Mar. 28, 1965) and have the storage company bill you for all storage charges from March 28, 1965". Mr. Avdeef completed his training and was released from active duty for training on August 30, 1965, but he did not return to California. He remained in Mineral Wells, Tex., where he had obtained civilian employment. There was further correspondence concerning the unauthorized storage of Mr. Avdeef's property and charges therefor. The matter was investigated by the Inspector General at Fort Wolters, who advised Mr. Avdeef to pay charges due and then seek reimbursement.

On March 11, 1966, Mr. Avdeef paid the Beverly Hills Transfer and Storage Co., \$76.32 for furniture storage from March 1965, through August 30, 1965. He also reimbursed the transportation office at Fort MacArthur \$112.88 for storage charges paid by the Government.

In October of 1968, Mr. Avdeef filed a petition with the Army Board for the Correction of Military Records under the provisions of section 1552 of title 10, United States Code, for correction of his records to show remission of the indebtedness to the United States under section 4837(d) of title 10,

United States Code. On December 13, 1968, the Under Secretary of the Army approved the recommendation of the Army Board for the Correction of Military Records that Mr. Avdeef's records be changed to show remission prior to discharge of all indebtedness to the United States. This was done and the \$112.88 which he had paid the United States was returned to Mr. Avdeef. The remaining \$76.32 in charges were assumed by Mr. Avdeef with the Beverly Hills Storage Co., in reliance upon the information furnished Mr. Avdeef by the transportation office at Fort MacArthur as set forth above.

The committee agrees that this is a proper subject for legislative relief. Such relief would be consistent with the relief granted Mr. Avdeef by the Army Board for the Correction of Military Records. Further, as has been noted, Mr. Avdeef relied on advice furnished him by Army authorities and thereby became obligated to pay the amount of the storage charges when the Army subsequently held to the contrary concerning his right to store his property at Government expense. The Army recognized the inequity of the situation when it granted relief by administrative action and subsequently indicated it would not oppose legislative relief as provided by this bill. Accordingly, it is recommended that the bill be considered favorably.

After a review of the foregoing, the committee concurs in the action taken by the House of Representatives and recommends favorable consideration of H.R. 12887, without amendment.

Attached hereto and made a part hereof is a letter dated November 25, 1969 from the Department of the Army:

DEPARTMENT OF THE ARMY,  
Washington, D.C., November 25, 1969.

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,*  
*House of Representatives.*

DEAR MR. CHAIRMAN: Reference is made to your request for the views of the Department of the Army on H.R. 12887, 91st Congress, a bill for the relief of John A. Avdeef.

The proposed bill would authorize the Secretary of the Treasury to pay to John A. Avdeef of Mineral Wells, Tex., the sum of \$76.32, in full settlement of all his claims against the United States for storage of his household goods while assigned by the U.S. Army to active duty at Fort Wolters, Tex., and Fort Rucker, Ala., during the period November 1964 to August 1965.

The Department of the Army is not opposed to the bill.

Department of the Army records show that on November 19, 1964, Sp5c John A. Avdeef, was a warrant officer candidate. He resided at Long Beach, Calif., and as a member of the Ready Reserve was ordered to active duty for training. He was ordered to report to the U.S. Army Helicopter School at Fort Wolters, Mineral Wells, Tex., no later than November 27, 1964, for a 44-day period of active duty for training. The purpose of the training was preflight warrant officer indoctrination. On December 15, 1964, his orders were amended to show that, as of November 27, 1964, he was further attached to the U.S. Army

Aviation School at Fort Rucker, Ala., for additional training in Warrant Officer Rotary Wing Aviation courses. The period of active duty for training was changed from 44 to 296 days. The purpose of his active duty for training, as stated in his amended orders, was for preflight warrant officer indoctrination.

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The cost of this bill, if enacted, would be \$76.32.



The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee.

Sincerely,

STANLEY R. RESOR,  
*Secretary of the Army.*

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THE UNIVERSITY OF CHICAGO  
DIVISION OF THE PHYSICAL SCIENCES  
DEPARTMENT OF CHEMISTRY

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